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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/571,409                 | 12/15/2006  | Jorg Adomeit         | 02316.2353USWO      | 3448             |
| 23552                      | 7590        | 06/13/2008           |                     |                  |
| MERCHANT & GOULD PC        |             |                      | EXAMINER            |                  |
| P.O. BOX 2903              |             |                      | BLEVINS, JERRY M    |                  |
| MINNEAPOLIS, MN 55402-0903 |             |                      | ART UNIT            | PAPER NUMBER     |
|                            |             |                      | 2883                |                  |
|                            |             |                      |                     |                  |
|                            |             |                      | MAIL DATE           | DELIVERY MODE    |
|                            |             |                      | 06/13/2008          | PAPER            |
|                            |             |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/571,409 | <b>Applicant(s)</b><br>ADOMEIT ET AL. |
|                              | <b>Examiner</b><br>JERRY BLEVINS     | <b>Art Unit</b><br>2883               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 21 January 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-11 and 13-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 14-18 is/are allowed.

6) Claim(s) 1-11 and 13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 1/21/2008

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed January 21, 2008 have been fully considered but they are not persuasive.

Specifically, it appears to examiner that the previously cited prior art reference to Nagaoka et al., US 6,206,580 teaches a first housing part (22) with a latching tab (30) and a second housing part (23) with an opening (39) sized to receive the latching tab (Figure 1 and column 6, lines 31-43).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,206,580 to Nagaoka et al.

Regarding claim 1, Nagaoka teaches a housing Figure 1() for fiber optic plug connectors (2), comprising: a housing body (21) with the housing body having at least two housing parts (22 and 23), in which one end of a conductor cable (5) can be positioned and the position of the conductor cable in the housing can be secured (with retaining piece 46), the conductor cable defining a longitudinal axis, wherein at least a

first (22) of the housing parts has an opening (28), wherein the first housing part includes a latching tab (30) configured to be latched over a the conductor cable through the first opening in the a transverse direction to the longitudinal axis, wherein a second (23) of the housing parts defines a second opening (39) sized to receive the latching tab of the first housing part (Figure 1 and column 6, lines 31-43).

Regarding claim 9, Nagaoka teaches a method for laying fiber optic cables (Figure 1), in which at least one end of a conductor cable (5) is laid to a plug in location (2), comprising: positioning the end of the conductor cable in a first housing part (21) of a housing (21), the conductor cable defining a longitudinal axis (in direction of dashed lines); assembling a second housing part (22) of the housing over the conductor cable in a transverse direction to the longitudinal axis defined by the conductor cable (Figure 5); and securing the conductor cable in a fixed position within the first housing part by latching the second housing part (22) of the housing to the first housing part by sliding ramped latches (Figure 3) of the second housing part into the openings defined in the first housing part.

Regarding claims 2 and 10, Nagaoka teaches that the conductor cable can be accommodated in the housing, with the end of the conductor cable being prefabricated at least with a ferrule (6).

Regarding claims 3 and 11, Nagaoka teaches a compression spring (9) pre-stressed by the housing, the compression spring mounted before the end of the conductor cable is positioned in the housing and the position of the ferrule and of the

conductor cable in the housing can be secured by the compression spring (column 6, line 46 – column 7, line 9).

Regarding claim 4, Nagaoka teaches that the housing parts can be connected via a latching connection (column 5, lines 46-55 and column 6, line 62 – column 7, line 9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka in view of US 6,663,292 to Shirakawa.

Regarding claims 5, 6, and 13, Nagaoka teaches the limitations of the base claims 1 and 9, respectively. Nagaoka does not teach that the housing includes a plug housing and a closure cap, the closure cap connected to the plug housing in a longitudinal direction of the conductor cable. Shirakawa teaches a closure cap (34) connected to a plug housing (33) in a longitudinal direction of a conductor cable (32), the closure cap having two latching tabs (55) and the plug housing having latching eyes (51) which are complementary to the latching tabs. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the closure cap of Shirakawa, connected to the plug housing of Nagaoka in a longitudinal direction of the

conductor cable. The motivation would have been to increase protection of the conductor cable.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka in view of Shirakawa as applied to claim 5 above, and further in view of US 6,217,230 to Matsushita.

Regarding claim 7, Nagaoka in view of Shirakawa renders obvious the limitations of the base claim 5. Nagaoka does not teach that the closure cap has a flange. Matsushita teaches a closure cap (Figure 1) with a flange (19). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the flange of Matsushita in the closure cap of Nagaoka. The motivation would have been to improve the securing of the closure cap to the plug housing and to the conductor cable.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka in view of US 6,151,432 to Nakajima et al.

Regarding claim 8, Nagaoka teaches the limitations of the base claim 1. Nagaoka does not teach that the housing is an FC, MTRJ, SC, Duplex-SC, LC, E2000, ST, or DIN plug. Nakajima teaches a housing for fiber optic plug connectors wherein the housing is an FC, MTRJ, SC, Duplex-SC, LC, E2000, ST, or DIN plug (FC plug housing 30, SC plug housing 40 and ST plug housing 50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Nagaoka such that it is an FC, MTRJ, SC, Duplex-SC, LC, E2000, ST, or DIN plug, as

taught by Nakajima. The motivation would have been to increase the compatibility with the connected plug.

***Allowable Subject Matter***

Claims 14-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 14-18, the cited prior art, taken individually or in combination or in combination with the prior art in general, fails to disclose or render obvious a closure cap formed with an opening for latching onto a conductor cable, the opening in the form of a slot.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERRY BLEVINS whose telephone number is (571)272-8581. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jerry M. Blevins/  
Examiner, Art Unit 2883

/Frank G Font/  
Supervisory Patent Examiner, Art Unit 2883

FGF/JMB  
06/05/2008